

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CITY OF SANTEE,

Complainant,

vs.

SAN DIEGO GAS & ELECTRIC COMPANY,

Defendant.

Case 03-04-001
(Filed April 1, 2003)

**ADMINISTRATIVE LAW JUDGE'S RULING
SETTING PREHEARING CONFERENCE, SHORTENING TIME TO ANSWER,
DIRECTING PARTIES TO MEET AND CONFER,
AND REQUIRING PREHEARING CONFERENCE STATEMENTS**

Prehearing Conference: To clarify the issues in dispute, set a schedule, take appearances, and create a service list, the Commission will convene a prehearing conference (PHC) at the time and place set out below:

May 14, 2003

11 a.m.

San Diego State Building

1350 Front Street, Room B-102

San Diego, CA 92101

A PHC is a formal proceeding of the Commission and a court reporter will be present. Each party must be present or appear by an authorized

representative who is fully informed and prepared to discuss, with specificity, the party's contentions.

Shortened Time to Answer: San Diego Gas & Electric Company shall file its answer to the complaint on or before April 25, 2003.

Meet and Confer: On or before April 30, 2003, the parties are directed to meet and confer, in good faith, in person or by telephone to determine whether they can resolve this dispute informally. If the parties determine they can resolve this dispute informally, they shall notify me promptly by e-mail (kjb@cpuc.ca.gov). The PHC will be cancelled and following receipt of a joint request for dismissal of the complaint. The Commission will dismiss the complaint.

PHC Statements: If the parties determine that informal resolution is not possible after meeting and conferring, they shall file and serve, on or before May 7, 2003, PHC statements that respond to the questions in the Attachment to this ruling.

Therefore, **IT IS RULED** that:

1. A prehearing conference (PHC) will be held in this proceeding at the time and place set out above.
2. Each party must be present or must authorize a representative to appear on its behalf.
3. Each party or its representative shall be fully informed and prepared to discuss, with specificity, the party's contentions.
4. On or before April 25, 2003, San Diego Gas & Electric Company shall file its answer to the complaint.
5. On or before April 30, 2003, the parties are directed to meet and confer, in good faith, in person or by telephone to determine whether they can resolve this dispute informally.

6. If the parties determine that informal resolution of this complaint is not possible after meeting and conferring, they shall file and serve, on or before May 7, 2003, PHC statements that respond to the questions in the Attachment to this ruling.

7. Questions about the hearing date, time, or place, may be directed to Commission's Calendar Clerk at 415-703-1203.

Dated April 9, 2003, at San Francisco, California.

/s/ KARL J. BEMESDERFER

Karl J. Bemesderfer
Administrative Law Judge

ATTACHMENT

Clarification of Matters in Dispute

In the complaint filed April 1, 2003, the City of Santee alleges that San Diego Gas & Electric Company (SDG&E) failed to provide the City with adequate notice of the installation of new insulators on power poles in the City of Santee, together with an increase in the strength of the electric current carried by the lines on those poles from 69kv to 138kv. The City further alleges that SDG&E failed to obtain a required Permit to Construct (PTC) from the Commission prior to starting modification of the power lines. The City alleges that both the notice requirement and the permit requirement are found in Commission General Order 131-D.

SDG&E responds that it needs no prior approval to modify the existing lines, citing an exemption for the upgrading of existing lines also found in Commission General Order 131-D.

The City's prayer for relief requests that the Commission issue an immediate Stop Work Order and condition the resumption of work on SDG&E's full compliance with the notice requirements of General Order 131-D, Sections XI B and C. The City's prayer further requests a declaration by the Commission that the line upgrade project is not exempt from the PTC requirement.

Because the relief sought is injunctive in nature, the City should come to the prehearing conference (PHC) prepared to demonstrate that the usual pre-conditions to a grant of injunctive relief have been met, i.e., irreparable injury, likelihood of success on the merits, and lack of an adequate remedy at law. Both parties should come prepared to discuss the applicability of General Order 131-D.

At this time I do not see any disputed factual issues and therefore would propose not to hold evidentiary hearings but to decide the case on the basis of briefs submitted by the parties following the PHC.

(END OF ATTACHMENT)

CERTIFICATE OF SERVICE

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Prehearing Conference, Shortening Time to Answer, Directing Parties to Meet and Confer, and Requiring Prehearing Conference Statements on all parties of record in this proceeding or their attorneys of record.

Dated April 9, 2003, at San Francisco, California.

/s/ KE HUANG

Ke Huang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.